

1 ROBERT W. FERGUSON
Attorney General
2 NOAH GUZZO PURCELL, WSBA #43492
Solicitor General
3 KRISTIN BENESKI, WSBA #45478
First Assistant Attorney General
4 COLLEEN M. MELODY, WSBA #42275
Civil Rights Division Chief
5 ANDREW R.W. HUGHES, WSBA #49515
LAURYN K. FRAAS, WSBA #53238
6 Assistant Attorneys General
TERA M. HEINTZ, WSBA #54921
7 (application for admission forthcoming)
Deputy Solicitor General
8 800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188
9 (206) 464-7744

10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF WASHINGTON**

12 STATE OF WASHINGTON;
13 STATE OF OREGON; STATE OF
ARIZONA; STATE OF
14 COLORADO; STATE OF
CONNECTICUT; STATE OF
DELAWARE; STATE OF
ILLINOIS; ATTORNEY GENERAL
15 OF MICHIGAN; STATE OF
NEVADA; STATE OF NEW
16 MEXICO; STATE OF RHODE
ISLAND; and STATE OF
17 VERMONT,

18 Plaintiffs,

19 v.

20 UNITED STATES FOOD AND
DRUG ADMINISTRATION;
21 ROBERT M. CALIFF, in his official
capacity as Commissioner of Food
and Drugs; UNITED STATES
22

NO. 1:23-cv-03026

DECLARATIONS IN SUPPORT
OF PLAINTIFF STATES'
MOTION FOR PRELIMINARY
INJUNCTION

03/27/2023

With Oral Argument at time and
location to be determined by Court

1 DEPARTMENT OF HEALTH AND
2 HUMAN SERVICES; and XAVIER
3 BECERRA, in his official capacity
as Secretary of the Department of
Health and Human Services,
4 Defendants.

Table of Contents
Declarations in Support of Plaintiffs' Motion for Preliminary Injunction

Exhibit	Declarant
1	Declaration of Susan E. Birch
2	Declaration of Connie Cantrell
3	Declaration of Alyssa Colwill, M.D., M.C.R.
4	Declaration of Sumona DasGupta
5	Declaration of Paul Dillon
6	Declaration of Donald Downing R PH.
7	Declaration of Dr. Charissa Fotinos
8	Declaration of Emily M. Godfrey, M.D., M.P.H.
9	Declaration of Marji Gold, MD
10	Declaration of Cynthia Harris
11	Declaration of Sunday Henry, M.D., Gordon Hedenstrom, R.PH. and Joel Schwartzkopf
12	Declaration of Elizabeth Janiak, SCD, MSC, MA
13	Declaration of Judy Lazarus
14	Declaration of Mark D. Nichols, M.D.
15	Declaration of Sarah W. Prager, MD, MAS
16	Declaration of Brian Reed
17	Declaration of Samantha Rolland
18	Declaration of Grace Shih, MD, MAS
19	Declaration of Angad Singh, M.D.

CERTIFICATE OF SERVICE

I hereby certify that on February 24th, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system. The NEF for the foregoing specifically identifies recipients of electronic notice. I hereby certify that I have mailed by United States Postal Service, and sent via electronic mail, the document to the following non-CM/ECF participants:

United States Food and Drug Administration
Chief Counsel, Food and Drug Administration
ATTENTION: LITIGATION
White Oak Building 31, Room 4544
10903 New Hampshire Ave., Silver Spring, MD 20993-0002
OC-OCC-FDA-Litigation-Mailbox@fda.hhs.gov

Robert M. Califf, Commissioner
Chief Counsel, Food and Drug Administration
ATTENTION: LITIGATION
White Oak Building 31, Room 4544
10903 New Hampshire Ave., Silver Spring, MD 20993-0002
OC-OCC-FDA-Litigation-Mailbox@fda.hhs.gov

I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

Department of Health and Human Services
c/o General Counsel
200 Independence Avenue, S.W.
Washington, D.C. 20201

1 Xavier Becerra, Secretary
2 c/o General Counsel
3 Department of Health and Human Services
4 200 Independence Avenue, S.W.
5 Washington, D.C. 20201

6 I hereby certify that I have caused the document to be served by
7 hand-delivery to the following non-CM/ECF participants:

8 U.S. Attorney Vanessa R. Waldref
9 United States Attorney's Office
10 Eastern District of Washington
11 920 W. Riverside Avenue, Suite 340
12 Spokane, WA 99201

13 I declare under penalty of perjury under the laws of the State of
14 Washington and the United States of America that the foregoing is true and
15 correct.

16 DATED this 24th day of February 2023, at Seattle, Washington.

17 /s/ Kristin Beneski
18 KRISTIN BENESKI, WSBA #45478
19 First Assistant Attorney General
20
21
22